

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
EAGLE PROPERTIES AND)	Bankruptcy Case
INVESTMENTS, LLC,)	No. 23-10566-KHK
)	Chapter 7
Debtor.)	
)

**MOTION TO EXPEDITE HEARING AND SHORTEN NOTICE PERIOD ON (I)
CONSENT MOTION TO AUTHORIZE USE OF CASH COLLATERAL OF BALA
JAIN, LLC AND APPROVE ESTATE CARVE-OUT and (II) CONSENT MOTION TO
AUTHORIZE USE OF CASH COLLATERAL OF FULTON BANK, N.A. AND
APPROVE ESTATE CARVE-OUT**

H. Jason Gold, the chapter 7 trustee (“Trustee”) for the above-captioned case, by his undersigned counsel, hereby moves this Court for an order scheduling an expedited hearing and shortening the notice period (“Motion to Expedite”) on his (i) Consent Motion to Authorize Use of Cash Collateral of Bala Jain, LLC and Approve Estate Carve-Out (“Bala Jain Motion”) and (ii) Consent Motion to Authorize Use of Cash Collateral of Fulton Bank, N.A. and Approve Estate Carve-Out (“Fulton Bank Motion”), stating to the Court as follows:

1. On April 6, 2023, Eagle Properties and Investments LLC (the “Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”).

2. On March 21, 2024, the Order of Conversion of Chapter 11 to Chapter 7 was filed (Docket No. 359). H. Jason Gold was appointed Chapter 7 Trustee.

3. As set forth more fully in the Bala Jain Motion and Fulton Bank Motion, Bala Jain, LLC and Fulton Bank, N.A. each assert a security interest in numerous properties of the estate,

certain of which are subject to current lease agreements with rental payments which may constitute their cash collateral. Further, the Trustee has received the sum of \$59,751.16 from the Debtor's Chief Restructuring Officer, certain of which may be the cash collateral of Bala Jain, LLC and Fulton Bank, N.A.

4. On April 5, 2024, the Trustee was authorized to employ Stephen Karbelk as the real estate Asset Manager and team leader of Auction Markets, LLC DBA RealMarkets ("Agent" and "Asset Manager") who is affiliated with CENTURY 21 New Millennium ("Broker") to procure and submit to the Trustee offers to purchase the properties and assist the Trustee management of the properties until they are sold.

5. Concurrently with the filing of this Motion to Expedite, the Trustee has filed the Bala Jain Motion and Fulton Bank Motion seeking authorization from the Court advance funds to the Asset Manager for the purpose of preserving the properties. Bala Jain, LLC and Fulton Bank, N.A. have consented to the use of cash collateral for these purposes as well as a carve out for the estate.

6. The Court's next available motions hearing date occurs on April 23, 2024. Accordingly, the Trustee seeks an expedited hearing on the Bala Jain Motion and Fulton Bank Motion and to shorten the notice period provided in Federal Rule of Bankruptcy Procedure 9006(c). The Trustee requests the Court to set the Bala Jain Motion and Fulton Bank Motion for hearing on **April 23, 2023 at 11:00 a.m.** and to shorten the notice deadline to file written responses to the motions. An expedited hearing is necessary in order to allow the Trustee to utilize cash collateral to preserve the properties and otherwise comply with his duties under Chapter 7.

7. Section 105(a) of the Bankruptcy Code provides this Court with the power to set an expedited hearing. Section 105(a) states that a bankruptcy court "may issue any order, process,

or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].”
11 U.S.C. § 105(a).

8. In addition, Local Bankruptcy Rule 9013-1 allows a hearing to be set on an expedited basis as requested herein. Attached hereto is the required certification under Local Rule 9013-1(N).

9. Pursuant to Local Bankruptcy Rule 9013-1(G), and because there are no novel issues of law presented in the Motion to Expedite, the Trustee requests that the requirement that all motions be accompanied by a separate written memorandum of law be waived.

WHEREFORE, the Trustee respectfully requests that the Court (i) enter an Order scheduling the hearing on the Bala Jain Motion and Fulton Bank, N.A. on an expedited basis and shortening the notice period, and (ii) granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

H. JASON GOLD, TRUSTEE

By Counsel

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Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2024, the foregoing Motion was served via CM/ECF to the parties registered to receive such notices, and via first class mail, postage prepaid, to the parties on the attached service list¹ and to:

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¹ Pursuant to Local Rule 5005-1(C)(8), the attached service list is not being served on each of the parties, but is attached to the original Certificate of Service filed with the Court.

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/s/ Dylan G. Trache
Dylan G. Trache